

Message Text

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ACTION IO-13

INFO OCT-01 ADP-00 AF-10 ARA-11 EA-11 EUR-25 NEA-10 RSC-01

CIAE-00 DODE-00 PM-09 H-02 INR-09 L-03 NSAE-00 NSC-10

PA-03 PRS-01 SS-14 USIA-12 COA-02 EB-11 OIC-04 ACDA-19

AEC-11 AGR-20 CG-00 COME-00 DOTE-00 FMC-04 INT-08

JUSE-00 NSF-04 OMB-01 TRSE-00 SCI-06 CEQ-02 RSR-01

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R 242258 Z MAR 73

FM USMISSION USUN NY

TO SECSTATE WASHDC 7160

INFO AMEMBASSY JAKARTA

AMEMBASSY LIMA

AMEMBASSY MONTEVIDEO

AMEMBASSY NAIROBI

AMEMBASSY REYKJAVIK

UNCLAS USUN 1039

E. O. 11652: N/ A

TAGS: PBOR, UN

SUBJ: LOS: SC II WORKING GROUP: MARCH 23

1. SUMMARY. SUBCOMMITTEE II WORKING GROUP (WG) HAD
GENERALIZED DEBATE ON UNITY AND PLURALITY OF REGIME. US
MADE STATEMENT OUTLINING ITS FISHERIES PROPOSALS. END SUMMARY.

2. EGYPTIAN REP BEGAN WG DISCUSSION BY SAYING THAT
CLARIFICATION OF CONCEPTS OF UNITY AND PLURALITY OF REGIMES IS
NECESSARY AS THIS RELATES TO WHOLE PHILOSOPHY OF DEBATE.
NORWAY SAID THAT IT WOULD BE DESIRABLE TO HAVE A
PRELIMINARY GENERAL CONSIDERATION OF LIMITS ISSUE AFTER WHICH
IT WOULD BE NECESSARY TO HAVE MORE STRUCTURES DEBATE. HE
SAID THAT CONFERENCE WOULD BE SUCCESSFUL ONLY IF THERE
WAS COMPROMISE BETWEEN ADVOCATES OF FREEDOM OF NAVIGATION
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AND THOSE WHO SUPPORT EXTENSIVE COASTAL STATE CONTROL OVER
RESOURCES.

3. PERUVISN REP URGED WG TO ABANDON THE USE OF OLD TERMS IN DEBATE. HE STATED THAT VARIOUS USES OF THE SEA ARE NOT NECESSARILY IN CONFLICT WITH ONE ANOTHER.

4. US MADE INTERVENTION NOTING THAT A NUMBER OF SUBSTANTIVE PROPOSALS HAVE BEEN MADE AND ARE BEFORE WG. HE STATED THAT US FISHERIES PROPOSALS RECOGNIZE PLURALITY OF REGIMES EVEN WITHIN SINGLE RESOURCE. US REP OUTLINED SPECIES APPROACH AND EXPLAINED WHY RESOURCE ZONE PROPOSED BY PERU WOULD, IN US JUDGMENT, NOT WORK AND HOW US FISHERIES PROPOSALS GENERALLY DIFFER FROM CERTAIN OTHERS WHICH HAVE BEEN MADE. IN REFERRING TO NORWAY'S COMMENT, US REP SAID IT WAS NECESSARY TO HAVE ACCOMMODATION OF RESOURCE NEEDS. HE STATED THAT DISTANT WATER FISHING INTERESTS MUST BE TAKEN INTO ACCOUNT AND OPPORTUNITY EXISTS FOR ACCOMMODATION IN THIS AREA. HE DISCUSSED IN DETAIL US PROVISION ON OPTIMUM UTILIZATION OF FISH STOCKS EXPLAINING HOW THIS WOULD WORK. HE URGED THAT A FORMULA FOR TRADITIONAL DISTANT WATER FISHERIES BE DEBATED IN WG AND SOLICITED COMMENTS FROM THOSE WITH DIFFERENT POINTS OF VIEW AND EXPRESSED READINESS TO HAVE DISCUSSION OF US FISHERIES PROPOSALS IN THEIR ENTIRETY.

5. URUGUAY SAID THERE WAS A TRUE REVOLUTION IN LAW OF THE SEA REQUIRING NEW FORMULATIONS OF CONCEPTS. HE STATED PLURALITY OF REGIMES MAY BE BASIS FOR HARMONIZATION OF COASTAL STATE, REGIONAL AND INTERNATIONAL COMMUNITY INTERESTS (CITING COMMUNICATION, NAVIGATION AND PROTECTION OF MARINE ENVIRONMENT ALL OF WHICH MUST BE PROTECTED). HE DESCRIBED URUGUAYAN CONCEPT AS MULTIPLE REGIME WITH ZONE 12 MILES WIDE IN WHICH INNOCENT PASSAGE WOULD APPLY, IN AREA BEYOND 12-MILE ZONE THERE WOULD BE PROVISION FOR FREEDOM OF NAVIGATION AND OVER-FLIGHT. HE STATED THERE MUST BE ADEQUATE PROTECTION OF COASTAL STATE INTERESTS WITHOUT PREJUDICE TO NAVIGATION AND OVER-FLIGHT. AS TO LIVING RESOURCES, THERE WOULD BE ZONE IN WHICH COASTAL STATE WOULD HAVE RIGHT OF EXCLUSIVE EXPLOITATION, BEYOND THIS ZONE THERE WOULD BE AREA IN WHICH COASTAL STATE WOULD HAVE CONTROL OVER EXPLOITATION.

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YM IRAQ SAID THERE SHOULD BE A PLURALITY OF REGIMES WITHIN THE TERRITORIAL SEA WITH 12-MILE ZONE IN WHICH COASTAL STATE WOULD EXERCISE COMPLETE SOVEREIGNTY. BEYOND 12 MILES THERE WOULD BE RECOGNITION OF USES OF NAVIGATION AND PRESERVATION OF MARINE ENVIRONMENT. AS TO RESOURCES, COASTAL STATE BASIC INTERESTS WOULD BE RECOGNIZED.

7. ICELAND REP STATED HIS GOVERNMENT COULD ACCEPT 12-MILE TERRITORIAL SEA OR LESS PROVIDED COASTAL STATE JURISDICTION

OVER NATURAL RESOURCES IS ADEQUATELY SAFEGUARDED. RESOURCE JURISDICTION WOULD DEPEND ON VARIOUS LOCAL CONSIDERATIONS AND THERE COULD BE DIFFERENT LIMITS IN DIFFERENT AREAS AND UNDER DIFFERENT CONDITIONS. HE CONCLUDED BY SAYING THAT NO AGREEMENT COULD BE REACHED UNTIL QUESTION OF BROAD ECONOMIC ZONE WAS SETTLED.

8. INDONESIA REP URGED THAT WG CONCENTRATE ON TERRITORIAL SEA ITEM AS LOGICAL BEGINNING FOR ITS WORK. HE SAID THAT WHETHER TERRITORIAL SEA IS WIDE OR NARROW WOULD DEPEND ON CHARACTERISTICS OF LAND AREA AND WILL VARY AS COASTAL STATE INTERESTS VARY.

9. KENYA DISCUSSED US STATEMENT ON FISHERIES ARGUING THAT MARINE RESOURCES BELONG TO THE COASTAL STATE AND DISPUTING THE NEED TO PRESERVE TRADITIONAL FISHING RIGHTS WHICH, HE SAID, WERE DETRIMENTAL TO LDC FISHING INTERESTS. HE ARGUED THAT THERE WAS NO INCONSISTENCY BETWEEN CONCEPT OF EXCLUSIVE ECONOMIC ZONE AND THE PRINCIPLE OF MAXIMUM UTILIZATION AS THERE IS NOTHING TO PREVENT COASTAL STATE FROM PERMITTING OTHER FISHING FLEETS FROM UTILIZING FISH STOCKS UNDER TERMS SET BY COASTAL STATE. PHILLIPS

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